GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:1466
ANSWERED ON:03.05.2016
Crime Against SC/ST Community
Ajmal Maulana Badruddin;Kataria Shri Rattan Lal

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the total number of crime/atrocities on Scheduled Castes (SC) and Scheduled Tribes (ST) registered under the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 along with the number of persons arrested and action taken against the guilty, separately during each of the last three years and the current year, State-wise;

(b) the total number of such cases pending in the various Courts and the steps taken by the Government to solve all the pending cases during the said period, Statewise; and

(c) the rate of conviction in the said cases along with the steps taken by the Government to improve the conviction rate;

(d) whether the involvement of police and anti-social elements have also been reported in such cases, if so, the details thereof and the corrective steps taken in this regard; and

(e) the details of financial assistance provided to the victims along with the concrete steps being taken to prevent such cases in future?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HARIBHAI PARATHIBHAI CHAUDHARY)

(a) to (e): As per information provided by the National Crime Records Bureau (NCRB), State/UT wise cases reported, cases chargesheeted, cases convicted, persons arrested, persons chargesheeted, persons convicted, cases in which trial were completed, cases pending for trial
--2/-

and cases conviction rate under the Protection of Civil Rights Act, 1955 and the SC/ST (Prevention of Atrocities) Act, 1989 under crime against persons belonging to Scheduled Castes and Scheduled Tribes during 2012-2014 is enclosed at Annexure-I & II respectively.

As per the seventh schedule to the Constitution of India `Police` and `Public Order` are State subjects and, as such, the primary responsibility of prevention, detection, registration, investigation and prosecution of crime, lies with the State Governments/ Union Territory Administrations. Ministry of Home Affairs has issued Advisories dated 1st April, 2010 on "Crime against Scheduled Castes/ Scheduled Tribes" and dated 3rd February, 2005 on " Need for effective implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989" which are available at

http://mha.nic.in/sites/upload_files/mha/files/pdf/Advisory-SCST_010610.pdf

http://mha.nic.in/apcr

Ministry of Social Justice & Empowerment addresses States/UTs from time to time to implement provisions of the PCR and PoA Acts in letter
--3/-

and spirit and are also provided Central assistance for effective implementation of the Act, under a Centrally Sponsored Scheme for implementation of the PCR and PoA Acts and the Central assistance is provided mainly for strengthening of enforcement and judicial machinery, relief and rehabilitation of victims of atrocities, incentive for inter-caste marriages where one of the spouses is a member of a Scheduled Caste and awareness generation. During the year 2015-16, Central assistance of Rs. 119.07 crore was released to State Governments and Union Territory Administrations. A Committee under the Chairpersonship of Union Minster for Social Justice & Empowerment constituted in the year 2006 also from time to time reviews implementation status of the PCR and PoA Acts in States/Union Territories.

With an objective to deliver members of SCs and STs, a greater justice as well as enhanced deterrent to the offenders, the PoA Act

has been amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (No.1 of 2016), and enforced with effect from 26.01.2016. Salient features of the Amendment Act are as under:
--4/-

(i) Addition of new offences of atrocities like tonsuring of head, moustache, or similar acts which are derogatory to the dignity of members of SCs and STs, garlanding with chappals, denying access to irrigation facilities or forest rights , dispose or carry human or animal carcasses, or to dig graves, using or permitting manual scavenging, dedicating a Scheduled Caste or a Scheduled Tribe women as devadasi, abusing in caste name, perpetrating witchcraft atrocities, imposing social or economic boycott, preventing SC and ST candidates from filing of nomination to contest elections, hurting a SC/ST woman by removing her garments, forcing a member of SC/ST to leave house , village or residence, defiling objects sacred to members of SCs and STs , touching or using words, acts or gestures of a sexual nature against members of SC and ST.
(ii) Addition of certain IPC offences like hurt, grievous hurt, intimidation, kidnapping etc., attracting less than ten years of imprisonment, committed against members of SCs and STs, as offences punishable under the PoA Act. Presently, only those offences listed in IPC as attracting punishment of 10 years or more and committed on members of Scheduled Caste/Scheduled Tribe are accepted as offences falling under the PoA Act.
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(iii) Establishment of Exclusive Special Courts and specification of Exclusive Special Public Prosecutors to exclusively try the offences under the PoA Act to enable speedy and expeditious disposal of cases.
(iv) Power of Special Courts and Exclusive Special Courts, to take direct cognizance of offence and as far as possible, completion of trial of the case within two months, from the date of filing of the charge sheet.
(v) Addition of new section on 'Appeals'.
(vi) Addition of chapter on the 'Rights of Victims and Witnesses'.
(vii) Defining clearly the term 'wilful negligence' of public servants at all levels, starting from the registration of complaint, and covering aspects of dereliction of duty under this Act.
(viii) Addition of presumption to the offences −If the accused was acquainted with the victim or his family, the court will presume that the accused was aware of the caste or tribal identity of the victim unless proved otherwise.
Consequent upon amendments done in the PoA Act, certain amendments had been necessitated in the subordinate legislation namely the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) {PoA} Rules, 1995, made by the Central Government in
--6/-

exercise of powers conferred by sub-section (1) of Section 23 of the PoA Act. Accordingly the PoA Rules have been amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016, and notified in the Gazette of India on 14.04.2016. The salient features of Amendment Rules are as under:-

(i) Modifications of the nature arising from amendments done in the PoA Act have been done.
(ii) Relief for new offences of atrocities as well for restated/expanded offences has been prescribed.
(iii) Phasing of payment of relief amount to victims for various offences of atrocities has been revisited and revised.
(iv) For getting admissible relief amount for non-invasive kind of offences against SC and ST women, the need for medical examination has been done away.
(v) Provision of due relief amount for grievous offences against SC and ST women, has been enabled on conclusion of trial, even when such cases do not end in conviction.
(vi) The existing quantum of relief amount between Rs. 75,000/- to Rs. 7,50,000/- has been enhanced by around 10%, and made between Rs. 85,000/- to Rs. 8, 25,000/-, depending upon the nature of the offence.
--7/-

(vii) Explicit provision of relief for offences of rape and gang rape of Rs. 5 lakh and Rs. 8.25 lakh respectively, has been made.
(viii) Provisions for relief amount between Rs. 8.25 lakhs to Rs.85, 000/- for victims of acid attacks , depending upon degree of burns, has been made.
(ix) Admissible relief in cash and or kind is to be paid to atrocity victims/ their dependents, within seven days. To enable this timely disbursement, the State Governments have been asked to authorize the District Magistrates for immediate withdrawal of money from the treasury.
(x) To enable timely commencement of prosecution, investigation of the case and filing of the charge sheet in the court has to be done within sixty days.
(xi) Scheme for the rights and entitlements of victims and witnesses in accessing justice has to be periodically reviewed by the State, District and Sub-Division Level Vigilance and Monitoring Committees in their respective meetings.
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